

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RICKY A. CARUTHERS)
)
)
v.) Case No. 3:07-0635
) (Criminal Case No. 3:04-00025)
UNITED STATES OF AMERICA) Judge Echols

ORDER

For the reasons stated in the Memorandum entered contemporaneously herewith, Petitioner Ricky A. Caruthers' "Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, Or Correct Sentence" (Docket Entry No. 1) is hereby DENIED. This case is DISMISSED with prejudice. Entry of this Order shall constitute the Judgment in this case pursuant to Federal Rules of Civil Procedure 58 and 79(a).

Because Petitioner cannot demonstrate that reasonable jurists would find the Court's assessment of the voluntariness of his plea of guilty debatable or wrong, or that jurists of reason would find it debatable whether Petitioner can show ineffectiveness of counsel and prejudice from counsel's alleged deficiencies, a Certificate of Appealability will not issue. See Slack v. McDaniel, 529 U.S. 473, 483-84 (2000).

It is so ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE